

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

August 21, 2006

Eric G. Mooney, Esquire
11 South Race Street
Georgetown, DE 19947

James W. Adkins, Esquire
Department of Justice
114 East Market Street
Georgetown, DE 19947

RE: State v. Jordan Geyer
C. A. No. 05X-08-002 THG

Dear Counsel:

The delay in responding in this matter was due to the hope that the legislature was going to modify the expungement statute. That was taken under advisement by the legislature but was not acted upon in the last session.

This is the case where the Court initially denied Mr. Mooney's Petition for Expungement. Thereafter, I learned that the Supreme Court had determined that a probation before judgment was expungable pursuant to the Supreme Court regardless of the time limitations in 11 Del. C. §4218. Therefore, I reversed myself in the case of *State v. Armiger*, Del. Super., C.A. No. 05X-07-004, Graves, J. (Dec. 12, 2005) (Letter Op.).

Mr. Mooney has asked that since I denied the petition of Mr. Geyer based upon the erroneous interpretation of the probation before judgment statute, I should revisit Mr. Geyer's case. I agree. If there is a wrong, there should be a remedy. After reconsidering the petition, I find that the probation before judgment dismissal should be dismissed. The petition is granted.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary